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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,714	10/19/2005	Damien Mandy	979-148	5475
39600 7590 04/09/2010 SOFFER & HAROUN LLP. 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017				
EXAMINER				
NEURAUTER, GEORGE C				
ART UNIT		PAPER NUMBER		
2443				
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04/09/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/537,714	<b>Applicant(s)</b> MANDY, DAMIEN
<b>Examiner</b> George C. Neurauter, Jr.	<b>Art Unit</b> 2443

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 24 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-9.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/George C Neurauter, Jr./  
Primary Examiner, Art Unit 2443

Continuation of 11, does NOT place the application in condition for allowance because:

The Applicant argues that Bahar fails to teach or suggest a communication router adapted to receive information from the remote terminal via said short range communication channel so as to route said received information from the remote terminal to the remote server via said predetermined communication network and receive information from the remote server via said predetermined communication network and to route information received from said remote server to said remote terminal via said communication channel.

The Examiner respectfully disagrees.

In the response, the Applicant disclosed that "a communication router as recited in claim 1 is a well known device that is readily understood by one of ordinary skill in the art..." (see page 8 of the instant response) and relies on Wikipedia to define a communication router and states that "one of ordinary skill in the art would understand that the claimed communication router is consistent with the accepted and reasonable meaning of a 'communication router' as described in Wikipedia" (see page 9). However, the Applicant is alleging that what is recited in the claim is "well known" and, therefore, is prior art, therefore, such limitations CANNOT under any circumstances be the basis for patentability.

The Applicant also relies on the Wikipedia definition to argue that "the parking meter operates at the Application Layer (layer seven) of the OSI model." Such a limitation is not recited in the claims.

In the view of the Examiner, the claim merely requires the reception of information from a generically and nominally recited "remote terminal" and "remote server" via a "predetermined communication network" to route or "pass along" the information to the respective other "remote" computer. Bahar clearly teaches this limitation (see column 8, line 67-column 9, line 8 and column 9, line 48-column 10, line 4, specifically "Data transceiver 33 which transmits and/or receives data to and from the parking meter 26. Data transceiver will allow the parking meter 26 to communicate with other electronic devices such as identification element(s), mobile hand held computers, an area supervisor(s) 35 (as will be discussed later), a remotely situated central computer station 39, etc. Data transceiver 33 may utilize various data transfer technology including wired and/or wireless methods (e.g. infrared and/or radio frequency), and preferably communicates via wireless technology 34, such as that illustrated in FIG. 2....Communication of data to and from the parking meter 26 could be facilitated and enhanced using a transmitting/receiving medium (i.e. transceiver) such as an area supervisor 35. As shown in FIGS. 3 and 4, an area supervisor 35 is configured (i.e. networked) to transmit and receive data to and from a designated cluster of parking meters 36. Data transmitted from any parking meter 26 within the networked cluster may be received, processed, and/or stored by its designated area supervisor 35. Alternatively or in addition to, that data may be directly transmitted from the meter 26 to a mobile device retained by a parking enforcement officer 38 (e.g. hand held computer as shown in FIG. 3) or to a remotely situated central computer station 39 (as shown in FIG. 4). In a similar manner, the enforcement officer (via way of their mobile communication device(s) 38 or central computer station 39) may transmit data to the area supervisor 35 or directly to the meter 26, both of which may process-and/or store the data. It is further noteworthy that data may also be transmitted from the area supervisor 35 to the parking meter 26, or alternatively, from the area supervisor 35 to the parking enforcement (via way of their mobile hand held computer 38 or remotely situated central computer station 39). That data may thereafter be processed and/or stored by the receiving entity. ") Note that the standard definition of a "transceiver" is a "a device that both transmits and receives analog or digital signals."

Therefore, the claims are not in condition for allowance in view of the disclosures of Bahar and the arguments presented by the Applicant.